

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, }  
Plaintiff, }  
vs. }  
JOSE ANGEL REYES and }  
CHELSEY SKEAHAN, }  
Defendants. }

8:14CR287

ORDER

This matter is before the court on the motion for an extension of time by defendant Chelsey Skeahan (Skeahan) (Filing No. 30) and the motion to suppress by defendant Jose Angel Reyes (Reyes) (Filing No. 29). Skeahan seeks an extension of thirty days in which to file pretrial motions in accordance with the progression order. Skeahan's counsel represents Skeahan will file an affidavit wherein she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. It is represented that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. No further extensions of the pretrial motion deadline will be granted absent a showing by affidavit that a manifest injustice would occur if such motion were not granted.

Reyes' motion to suppress (Filing No. 29) will be set for hearing.

**IT IS ORDERED:**

1. Defendant Skeahan's motion for an extension of time (Filing No. 30) is granted. Skeahan is given until **on or before January 2, 2015**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 2, 2014, and January 2, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

2. Defendant Reyes' motion to suppress (Filing No. 29) is scheduled for an evidentiary hearing before the undersigned magistrate judge in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **on January 12, 2015, commencing at 9:00 a.m.** Any motion filed by defendant Skeahan will also be heard at such hearing. Both defendants shall be present for such hearing.

3. Defendant Reyes shall file his brief in support of his motion to suppress **on or before December 15, 2014**. Defendant Skeahan shall file briefs in support of any motion she may file at the same time as she files such motions. The government shall file a response to Reyes' brief **on or before December 29, 2014**. The government shall file a response to any of Skeahan's motions **on or before January 8, 2015**.

4. Counsel are reminded of the requirements of NECrimR 12.5 which provides as follows:

Disclosure of Evidence. This rule applies to all evidentiary hearings on pretrial motions in criminal cases.

(a) Witnesses. At the time of the hearing, and to the extent reasonably possible, the parties shall submit to the judge and courtroom deputy a written list of all witnesses whom the parties expect to call.

(b) Exhibits. At least twenty-four (24) hours before the hearing, each party shall mark the exhibits that party intends to introduce into evidence at the hearing, and provide a copy to counsel for all other parties and to the presiding judge.

Exhibits should be marked as follows: government's exhibits beginning at Number 1 and defense exhibits beginning at Number 101.

DATED this 2nd day of December, 2014.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge